

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Court No. 05-11609-WGY
	)	
HEMCHANDRA TIWARI,	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION FOR DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Hemchandra Tiwari (hereinafter "Tiwari"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Tiwari is indebted to the United States for the principal amount of \$75,139.99; plus \$2,919.16 accrued interest; plus costs. The total balance as of January 6, 2006 is \$78,059.15.
2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Tiwari's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Tiwari for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: January 6, 2006

**CERTIFICATE OF SERVICE**

Suffolk, s.s.

Boston, MA

I hereby certify that paper copies will be sent to Hemchandra Tiwari at Burlington, MA, a non registered participant on January 6, 2006.

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney

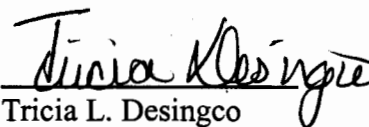
UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA, )  
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Plaintiff, )  
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v. ) Court No. 05-11609-WGY  
 )  
HEMCHANDRA TIWARI, )  
 )  
Defendant. )

**AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT**

I, Tricia L. Desingco, state under oath that:

1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of Hemchandra Tiwari (hereinafter "Tiwari"). I am also the custodian of the records for such cases.
3. Tiwari was served, according to the return of service, with a summons and complaint on August 2, 2005 at Burlington, MA. See attached exhibit "A". As of January 6, 2006, Tiwari has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

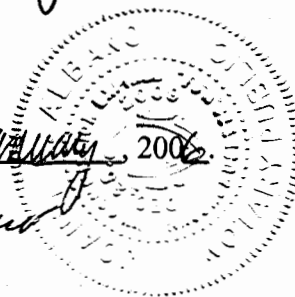
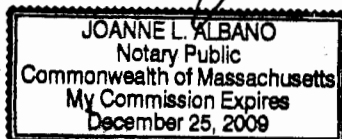
  
Tricia L. Desingco  
Paralegal

Date: January 6, 2006

Signed and sworn to before me at Boston, Massachusetts, on this 24th day of January, 2006.

  
Notary Public

My commission expires:



EXHIBIT

tabbies

A

Redacted

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	United States of America	COURT CASE NUMBER	05-11609-WGY
DEFENDANT	Hemchandra Tiwari	TYPE OF PROCESS	Summons + Complaint
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	Hemchandra Tiwari		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Tricia Desingco  
U.S. Attorney's Office  
Financial Litigation Unit  
One Courthouse Way  
Boston, MA 0210

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Please make service prior to November 2, 2005

Fold

Signature of Attorney or other Originator requesting service on behalf of:

Tricia Desingco

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

617-748-3308

DATE

8/2/05

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.

(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin

No. 38

District to Serve

No. 38

Signature of Authorized USMS Deputy or Clerk

Nancy Inlauer

Date

8/2/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Mr. Deepak Tiwari (Defendant's Cousin)

Address (complete only if different than shown above)

(Same)

☒ person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

10-07-05

Time

7:25 am

Signature of U.S. Marshal or Deputy

K. Rao

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
90.00	18.98	—	108.98	—	—	—

REMARKS: 1st ENDEAVOR — 09-30-05 8:30 AM (NO ANSWER) — DUSM NEAL

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)